

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

IN RE:	)	
	)	
RICHARD J. SAUNDERS, JR.	)	Case No. 09-15281-RGM
JOSEPHINE H. WASHINGTON SAUNDERS,	)	
	)	Chapter 7
Debtors.	)	

**MOTION FOR TURNOVER**

COMES NOW Gordon P. Peyton, the undersigned duly qualified and acting Trustee in Bankruptcy herein, by Counsel, and moves this Honorable Court to direct the turnover of certain items by the Debtors, and as reasons therefor respectfully represents as follows:

1. The Debtors in this case filed a voluntary Chapter 11 bankruptcy on July 1, 2009. The case was converted to Chapter 7 on July 12, 2012. The undersigned is the duly appointed and acting Trustee in this case.
2. Among the property of the estate was a certain piece of real property located at 6092 Netherton Street, Centreville, Virginia 20120 ("the Property") owned by Mr. Saunders (the Debtor").
3. During the course of the bankruptcy case, the Trustee has sold the Property and is holding the proceeds therefrom pending the Court's approval of a Final Report.
4. Upon information and belief, the Debtor collected rents from the tenants of the Property between the date of conversion through the date the tenants vacated, for a total of \$11,200.00 ("the funds"); the funds are property of the estate.

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(703) 684-2000  
Counsel to Gordon P. Peyton, Trustee

5. The Debtor has presented to the Trustee a receipt in the amount of \$1,743.24 evidencing that the Debtor spent that amount to repair/replace carpeting in the Property just prior to the Property's having been marketed by the Trustee; the Trustee has agreed to deduct this amount from the amount of funds, hence reducing the amount of funds owed to the Trustee to \$9,456.76.

6. The Debtor's current Homestead Deed exempts the amount of \$1.00 in the Property. The Debtor, via his Counsel, has indicated to the Trustee that he would like to claim the amount of \$5,000.00 as exempt in the funds pursuant to Virginia Code §34-4. The Trustee has indicated on several occasions that he will require a copy of a recorded amended Homestead Deed reflecting this claim of exemption in order to reduce the amount of the funds which he demands be turned over by the Debtor.

7. The Debtor, via Counsel, has indicated to the Trustee that he will turn over funds in the amount of \$4,456.76 to the Trustee on or before April 30, 2014.

8. The Trustee moves that the following items be turned over to the Trustee on or before April 30, 2014:

- a) a copy of a recorded amended Homestead Deed claiming the amount which the Debtor wishes to retain from the amount he owes the estate (not to exceed \$5,000.00); and
- b) funds in the amount of \$9,456.76, less the amount claimed on the aforementioned amended Homestead Deed.

9. If the Trustee does, in fact, receive said items on or before April 30, 2014, he will withdraw the instant Motion.

WHEREFORE, the Trustee prays that this Honorable Court enter an Order herein directing the Debtor to turn over to the Trustee the aforementioned items on or before April 30, 2014, and for such other relief as this Court deems just and proper.

March 7, 2014

Respectfully submitted,

/s/ Elizabeth K. Lynch  
Elizabeth K. Lynch, VSB #33407  
Counsel to the Trustee  
510 King Street, Suite 301  
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(703) 684-2000

**CERTIFICATE OF SERVICE**

I, Elizabeth K. Lynch, hereby certify that I have this 7th day of March, 2014, served a true copy of the foregoing Motion for Turnover, either via ECF or first class mail, on:

Richard J. and Josephine H. Washington Saunders  
706 Ninovan Road, SE  
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*Debtors*

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/s/ Elizabeth K. Lynch  
Elizabeth K. Lynch